



July 20, 2021

The Honorable Patty Murry  
Chairwoman  
Senate Committee on Health, Education,  
Labor and Pensions  
428 Dirksen Senate Office Building  
Washington, DC 20510

The Honorable Richard Burr  
Ranking Member  
Senate Committee on Health, Education,  
Labor and Pensions  
428 Dirksen Senate Office Building  
Washington, DC 20510

Dear Chairwoman Murray and Ranking Member Burr:

On behalf of the National Stone, Sand & Gravel Association (NSSGA), the National Ready Mixed Concrete Association (NRMCA), and the Portland Cement Association (PCA), we write to share our views on proposed legislation as you prepare for the upcoming hearing to examine the *“Right to Organize: Empowering American Workers in a 21st Century Economy”*.

The aggregates, cement, and concrete industries are paramount to our nation and quite literally building the foundation of the U.S. economy, as our products are used to construct almost any type of infrastructure project, building, or home. Cement and concrete products manufacturing employs over 600,000 people – directly and indirectly - in our country and contributes over \$100 billion to our economy. America’s stone, sand and gravel industry is responsible for 100,000 direct jobs and over \$25 billion in economic impact. The vast majority of our membership in the ready mixed and aggregates sectors are family-owned, small businesses. Across all industries, we are proud to provide meaningful, stable long-term careers with many opportunities for growth and advancement. Our industries support high paying jobs, with average compensation over \$75,000.

Our member companies support the right of workers to choose to organize, and many of our employers across the country partner with labor organizations to provide high-earning jobs to the men and women responsible for producing construction materials. We are proud of our strong relationship with labor organizations to address the nation’s infrastructure challenges.

However, legislative proposals like the misleadingly named “Protecting the Right to Organize” (PRO) Act is an unprecedented attempt to fundamentally change dozens of well-established labor laws at a time of tenuous economic recovery. While there have been no reported barriers with workers seeking to consider unionizing in our industry, this legislation would disrupt the rights of workers and employers and add unworkable mandates that would severely impact the ability to efficiently produce and deliver construction materials. It is a solution in search of a problem.

The PRO Act would effectively eliminate right-to-work laws that have been democratically adopted in 27 states, undermining numerous state constitution and our workers constitutionally protected rights. This is a dramatic overreach by the federal government.



Further, the PRO Act would hinder opportunities for individuals to work through traditional independent contractor roles, which are critical in the transportation of construction materials to job sites. Specifically, the legislation would amend the National Labor Relations Act (NLRA) to include the California Supreme Court's recently adopted and failed "ABC test," which makes it very difficult to qualify as an independent contractor. This would result in many workers, who play a critical role in transporting aggregates and concrete to job sites, losing their independent contractor status. This will lead to confusion, increased costs and uncertainty as we are working to supply the growing demand for construction materials across the country. Further, [data shows](#) that implementing the so-called "ABC Test" standard could threaten as much as 8.5 percent of the nation's gross domestic product (GDP).

Finally, we have great concerns with other provisions included in the PRO Act that would hinder employers and employees' rights and privacy, including:

- shortening the time window for a union election;
- employers would not be able to challenge union misconduct during union elections;
- codifying the "quickie" election rules, limiting employees' opportunity to consider information about the union seeking to represent them;
- right to counsel on complex labor laws would be practically eliminated; and
- employers would be forced to disclose employee's personal information without employees consent or their ability to opt out, and secondary boycotts would be permitted, allowing unions to target neutral third parties and cause them economic injury even if those entities have no underlying labor dispute with the union.

Many of these provisions would be particularly burdensome on small employers who do not have the resources to confront new regulatory challenges. This is especially troubling as Congress is working feverously with the Biden Administration to advance a long-awaited, bipartisan infrastructure proposal. Unnecessary mandates proposed under the PRO Act would lead to delays and cost increases as our members supply the materials needed to improve our outdated infrastructure.

For these reasons, as you examine labor rights in today's workplace, we implore you to oppose this misguided legislation and work with us to ensure unnecessary federal mandates are not included in any infrastructure package that advances through the Congress.

Thank you for your consideration of our member's views and please do not hesitate to contact us we may be of any further assistance.

Sincerely,

National Ready Mixed Concrete Association  
National Stone, Sand & Gravel Association  
Portland Cement Association

CC: Members of the Senate Committee on Health, Education, Labor and Pensions